

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOORADIAN DAVIS, PC,

Plaintiff,

Case No. 20-cv-12138
Hon. Matthew F. Leitman

v.

LE MOBILE, INC., *et al.*,

Defendants.

/

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A SECOND AMENDED COMPLAINT**

On July 23, 2020, Plaintiff Mooradian Davis, PC filed this breach-of-contract action against Defendants Le Mobile, Inc. and Guy Charbonneau in the Oakland County Circuit Court. (*See* Compl., ECF No. 1, PageID.8-16.) Defendants removed the action to this Court (*see* Notice of Removal, ECF No. 1), and Mooradian Davis thereafter filed a First Amended Complaint (*see* First Am. Compl., ECF No. 4).

Defendants have now filed a motion to dismiss Mooradian Davis' First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot., ECF No. 6.) Defendants argue, among other things, that Mooradian Davis has failed to allege facts sufficient to satisfy the necessary elements of a breach of contract claim. (*See id.*)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Mooradian Davis the opportunity to file a Second Amended Complaint in order to remedy the purported pleading defects that Defendants have raised in their motion to dismiss. The Court does not anticipate allowing Mooradian Davis another opportunity to amend to add factual allegations that it could now include in its Second Amended Complaint. Simply put, this is Mooradian Davis' opportunity to allege any and all additional facts, currently known to it, that may cure the alleged pleading deficiencies in the Second Amended Complaint and that could support the essential elements of its breach-of-contract claim.

By **October 8, 2020**, Mooradian Davis shall notify the Court and Defendants in writing whether it will amend the First Amended Complaint or respond to the motion to dismiss. If Mooradian Davis provides notice that it will be filing a Second Amended Complaint, it shall file that amended pleading by no later than **October 15, 2020**, and Defendants shall answer or otherwise respond to it by no later than **November 5, 2020**. Upon the filing of a Second Amended Complaint, the Court will terminate without prejudice Defendants' currently pending motion to dismiss as moot. If Mooradian Davis provides notice that it will not be filing a Second

Amended Complaint, it shall file a response to Defendants' motion to dismiss by **October 15, 2020**.¹

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 24, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 24, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764

¹ The Court recognizes that Defendants have also filed a motion for sanctions. (*See* Mot. for Sanctions, ECF No. 7.) The Court will address that motion after it resolves the pending motion to dismiss, or, if Mooradian Davis chooses to file a Second Amended Complaint, after Defendants answer or otherwise respond to that pleading.